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Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba

Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba

Report of the Secretary-General

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I. Introduction

1. In its resolution 53/4, entitled "Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba", the General Assembly requested the Secretary-General, in consultation with the appropriate organs and agencies of the United Nations system, to prepare a report on the implementation of the resolution in the light of the purposes and principles of the Charter of the United Nations and international law, and to submit it to the Assembly at its fifty-fourth session.

2. Pursuant to that request, by a note dated 30 March 1999, the Secretary-General invited Governments and organs and agencies of the United Nations system to provide him with any information they might wish to contribute to the preparation of his report.

3. The present report reproduces the replies from Governments and from organs and agencies of the United Nations that have been received as of 26 July 1999. Further replies will be reproduced as addenda to the present report.

II. Replies from Governments

Algeria

[Original: French]
[2 June 1999]

1. Algeria fully supported General Assembly resolution 53/4, entitled "Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba" and voted in favour of it. It therefore fully endorses the provisions of paragraphs 2 and 3 of this resolution.

2. Accordingly, the Algerian Government has neither promulgated nor applied any laws and/or regulations whose extraterritorial effects would undermine the sovereignty of other States.

Angola

[Original: English]
[7 July 1999]

1. As a member of the United Nations, Angola abides by and complies with all principles of the Organizations as stated in the Charter, and in that connection the Republic of Angola fully supports all measures designed to foster the compliance with those principles and objectives, as reflected in the preamble of this resolution.

2. The Government of Angola realizes with great apprehension that after more than six years since the adoption of the first resolution on the matter, there is still no sign of dialogue between the parties concerned which would bring about an end to this long blockade. The situation is inflicting great hardship upon the suffering people of Cuba.

3. We would like to state that Angola will abstain from adopting any such measures, and will continue to cooperate with the United Nations — as always — towards the achievement of the Organization's goals of promoting the fundamental principles of the Charter and international law.

Antigua and Barbuda

[Original: English]
[5 August 1999]

The Government of Antigua and Barbuda neither supports nor condones any act that goes contrary to the requirements of resolution 53/4, entitled "Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba".

Argentina

[Original: Spanish]
[27 July 1999]

1. With respect to the measures adopted in accordance with General Assembly resolution 53/4 on the necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba, it should be noted that on 5 September 1997 the Government of the Argentine Republic promulgated Act No. 24.871.

2. Under this Act, foreign legislation which is aimed, directly or indirectly, at restricting or impeding the free flow of trade and the movement of capital, goods or persons to the detriment of a given country or group of countries shall neither be applicable nor have legal effects of any kind within the national territory.

3. Furthermore, in accordance with article 1 of the aforesaid Act, foreign legislation which seeks to have extraterritorial legal effects through the imposition of an economic embargo or limits on investment in a given country in order to elicit a change in the form of government of a country or affect its right to self-determination shall also be utterly inapplicable and devoid of legal effect.

Barbados

[Original: English]
[13 July 1999]

1. The Government of Barbados has no laws which in any way restrict the freedom of trade and navigation with Cuba.

2. Barbados has consistently voted in favour of the resolution "Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba" since the resolution was first introduced in the General Assembly during its forty-sixth session, in 1991.

Belarus

[Original: English]
[4 May 1999]

The Republic of Belarus does not accept promulgating any unilateral extraterritorial coercive measures which go against the norms of international law, the provisions of the Charter of the United Nations, which authorize only the Security Council to impose appropriate sanctions, or the universally recognized principles of the sovereign equality of States and non-interference in their internal affairs.

Bolivia

[Original: Spanish]
[18 June 1999]

The Government of the Republic of Bolivia has not adopted any laws or measures of the kind referred to in this resolution. Consequently, there are no provisions, measures or laws which the Government of Bolivia would have to repeal or invalidate in this regard.

Botswana

[Original: English]
[16 July 1999]

The Republic of Botswana has never promulgated, applied and enforced any laws and measures of the kind referred to in the above-cited resolution. Botswana is therefore opposed to the continued adoption and application of such extraterritorial measures, and as reflected by its vote on resolution 53/4, supports the lifting of the embargo imposed against Cuba.

Brazil

[Original: English]
[14 May 1999]

1. Brazil reiterates its position that discriminatory trade practices and extraterritorial application of domestic laws run counter to the need for promoting dialogue and ensuring the prevalence of the principles and purposes of the Charter of the United Nations.

2. In accordance with General Assembly resolutions 47/19, 48/16, 49/9, 50/10, 51/1, 52/10, and 53/4, Brazil did not promulgate or apply any law, regulation or measure, the extraterritorial effects of which could affect the sovereignty of other States and the legitimate interests of entities or persons under their jurisdiction, as well as the freedom of trade and navigation.

3. Brazil's legal system does not recognize the validity of the application of measures with extraterritorial effects. Companies located in Brazil are subject exclusively to Brazilian legislation.

4. Measures by any country which violate the provisions of resolution 53/4, and which attempt to compel the citizens of a third country to obey foreign legislation, affect the interests of the international community as a whole and violate generally accepted principles of international law. They should be reviewed and changed, where appropriate, in order to bring them into conformity with international law.

5. Governments not complying with resolution 53/4 should urgently take further steps to eliminate discriminatory trade practices and bring to an end unilaterally declared economic, commercial and financial embargoes.

Cambodia

[Original: English]
[5 August 1999]

The Government of the Kingdom of Cambodia feels that the 30-year-old sanctions against Cuba have brought too much suffering to its innocent people and are no longer justified. Therefore, these sanctions must be lifted without delay, and must be replaced by humanitarian and development assistance.

Cape Verde

[Original: English]
[2 July 1999]

The Government of Cape Verde has not taken any measure harmful to General Assembly resolution 53/4, entitled "Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba".

Chile

[Original: Spanish]
[14 July 1999]

On this matter, the Government of Chile has refrained from applying or encouraging the application of laws or administrative norms of the kind referred to in the preamble of General Assembly resolution 53/4.

China

[Original: English]
[6 July 1999]

1. Sovereign equality, non-interference in other countries' internal affairs and other relevant norms governing international relations should be duly respected. Every country has the right to choose, according to its national circumstances, its own social system and mode of development, and no other country has the right to interfere.

2. The differences and problems that exist among countries should be resolved through peaceful dialogue and negotiations on the basis of equality and mutual respect for sovereignty. The United States, which has continued to apply laws and measures affecting the sovereignty and legitimate interests of other States and freedom of trade and navigation, as well as inflicting tremendous pain on the Cuban people, should, in accordance with the purposes and principles of the Charter of the United Nations and relevant resolutions of the United Nations, put an end to the economic, commercial and financial embargo that it has imposed on Cuba.

Colombia

[Original: Spanish]
[16 July 1999]

The Government of Colombia, maintaining its traditional position of respect for the self-determination of peoples, non-interference in the internal affairs of any State and the resolutions adopted by the General Assembly, has neither supported, promulgated nor applied unilaterally any laws against Cuba or any other State which could affect the free development of that State's economy or trade.

Côte d'Ivoire

[Original: French]
[29 July 1999]

Côte d'Ivoire does not apply any sanctions against Cuba, in accordance with General Assembly resolution 53/4, entitled "Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba".

Cuba

[Original: Spanish]
[21 July 1999]

1. For 38 years, Cuba has denounced to the world the illegal and cruel economic, commercial and financial embargo imposed by the United States of America against the Republic of Cuba. For seven years in a row, the General Assembly has considered this matter and each time has adopted, with a growing number of favourable votes, a resolution requesting an end to this illegal and inhuman policy.

2. In these resolutions, the majority of countries have rejected the promulgation and application of laws and regulations, the extraterritorial effects of which affect the sovereignty of other States, the interests of entities and persons under their jurisdiction, and the freedom of trade and navigation; they have also urged all States to refrain from applying such laws and to repeal them as soon as possible.

3. It is well known that this policy has been rejected not only by the General Assembly but also by many different multilateral forums, international organizations, regional institutions and groups, parliaments, Governments and personalities, which have clearly, explicitly and repeatedly condemned the embargo against Cuba and the application of unilateral and coercive measures that are extraterritorial in scope.

4. During these years, the General Assembly has considered the wealth of documentation that has been circulated among Member States on this matter.

5. A small country like Cuba, which has witnessed a significant deterioration in the prices of its main export

products and its terms of trade in the international market and has suffered adverse natural phenomena and a severe drought, must deal with the United States embargo as well.

6. The embargo has led to significant additional expenditure in the area of foreign trade, particularly with regard to prices, freight rates and financing, owing to Cuban companies' lack of access to the United States market.

7. In 1998, the Cuban companies with the largest sales volume had to make additional appropriations in excess of $500 million, representing a decrease of 13 per cent in the country's overall purchasing power, and a drop of more than 10 per cent in global trade.

8. These additional appropriations were attributable to, *inter alia*, the difference in the prices of imported products as compared with the prices of those same products on the United States market. The additional costs which Cuba incurred in 1998 just to import certain foodstuffs amounted to $30 million, which would have been sufficient, for example, to purchase roughly 15,000 metric tons of powdered milk, so vital to feeding the country's children.

9. Additionally, substantial differences persisted in the shipping costs of imports as a result of freight charges on imports and delays in delivery from the distant markets from which Cuba is forced to import. In the case of foodstuffs, an additional $21.5 million was spent on freight charges for products which Cuba could have purchased on the United States market; the country could have used these resources to purchase, for example, more than 130,000 metric tons of wheat needed to feed people, both directly and indirectly through animal feed.

10. These higher prices and shipping costs are compounded by the increased cost of financing on terms and conditions much more onerous than those generally established in international practice.

11. As a result of the United States embargo against Cuba, Cuba must pay above-market prices and tariffs on the goods it purchases and ships. The embargo also imposes onerous terms on credit and trade, blocks access to many goods and technologies and causes huge bank losses, since the United States dollar cannot be used in bank transactions and deposits.

12. The considerable pressure exerted by the United States Government on entrepreneurs and third-country Governments in order to hinder the establishment of economic ties with Cuba continues to be a major drain on the economy.

13. The cumulative effect of the economic damage done to Cuba by the United States embargo until 1998 was on the order of $67 billion, according to preliminary estimates by academic institutions which have systematically collected such information. It is estimated that the effect of the embargo on the economy in recent years has exceeded 15 per cent of the country's gross domestic product a year.

14. The intention is obvious: to stifle the country economically and plunge the Cuban people into a situation of extreme deprivation in order to make them renounce their independence and self-determination and submit to the dictates of United States policy.

15. The previous report of the Secretary-General (A/53/320) documents various incidents that exemplify this policy and its adverse consequences for the Cuban population; the report also describes the implacable pursuit by the United States of all Cuba's economic operations abroad with the aim of preventing or hampering them. Similarly, it mentions the penalties imposed on both nationals and foreigners by the United States Government under the embargo and in applying the Helms-Burton Act.

16. During the period covered by the above-mentioned report, the United States Government insisted on portraying the situation to the world as an easing of the embargo on Cuba; in practice, however, the embargo measures were only tightened, through stricter and more thorough monitoring of their application and the introduction of new measures to intensify their enforcement.

17. Despite the so-called easing which the United States has been loudly proclaiming since March 1998, the objective reality is that Cuba has been unable to purchase a single medicine, piece of equipment or medical supply in the United States of America. The United States Government has systematically undertaken to eliminate any possibility of sales to Cuba, either through the denial of licences or the imposition of requirements and conditions which make such sales non-competitive.

18. Worse still, however, the United States Government has continued to deprive Cuba of the opportunity to purchase medicines, equipment or medical supplies from other countries, through the ironclad application of the Torricelli and Helms-Burton Acts and the other embargo regulations.

19. The so-called easing is aimed at fomenting the subversion and internal destabilization of the country by providing material and financial resources to persons and groups working towards these ends. Since 1996, some $7 million has been earmarked for such purposes.

20. Despite the talk of easing, the seldom disclosed reality is very different and frequently concealed by the adoption of other laws, regardless of their subject matter, to which

amendments intensifying the embargo against Cuba are attached. Such was the case, in 1998, with the Omnibus Appropriations Act for fiscal year 1999.

21. This Act was adopted by the United States Congress one week after the United Nations General Assembly concluded its session and was signed by the President of the United States, ignoring the call of 157 States Members of the Organization to end such an unjust policy. The Act includes 12 amendments relating to Cuba which were secretly negotiated by a small group of legislators and officials and which extend and tighten the embargo. Among other things, the sanctions imposed under Title IV of the Helms-Burton Act have been made harsher and extended to the rest of the world, while the embargo on funds from international credit institutions for the provision of assistance or compensation to Cuba has been expanded.

22. Special mention should be made of section 211 of the Omnibus Appropriations Act for 1999, which prohibits the making of any transactions or payments in the United States relating to a confiscated trademark without the consent of the original proprietor of that trademark or his successor-in-interest. The recognition and validation of such trademarks by United States courts is also prohibited, subject to similar conditions. This section deals specifically with the application of Title 31, Part 515, of the Code of Federal Regulations, which took effect on 9 September 1998; these regulations are applied with respect to Cuba by the Department of the Treasury, through its Office of Foreign Assets Control.

23. Section 211 presumably violates articles of the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) of the World Trade Organization (WTO). Cuba has brought an action in WTO and filed a complaint in the TRIPS Council regarding the alleged incompatibility of this section with WTO norms and its unilateral nature. The Cuban position has received support from the European Union and other States members of WTO.

24. On 13 April 1999, under this same section 211, a court ruling was handed down in New York, prejudicing the common interests of Havana Club Holding, S.A. (a joint venture formed by the French company Pernod Ricard and a Cuban company) and Havana Club International, S.A. (a joint stock company established and domiciled in Cuba) versus Bacardi by depriving the first-mentioned companies of their rights to register and, potentially, to market Cuban rum known as "Havana Club" in the United States.

25. Political animosity and the determination to destroy Cuba's political and economic system and values have led the United States Government to implement measures which undermine the stability and existence of the system of agreed international norms on intellectual property rights, trademarks and patents yet that Government fails to realize that this policy could seriously backfire in its own country, which ought to be the most interested in maintaining the international agreements reached in this area.

26. Cuba is not the only victim of these economic sanctions. According to the Advisory Council of the President of the United States, in 1998 unilateral sanctions were applied against 75 countries that account for 52 per cent of the world population.

27. The Congress which adjourned in January 1999 considered 57 special new sanctions affecting 10 countries, including Cuba, against which there were more than 30 sanctions. It passed 11 bills on so-called generic sanctions which are applicable to virtually any country, based on such capricious criteria as a hostile business attitude or the maintenance of a voting record in the United Nations that is not consistent with that of the United States.

28. On 28 April 1999, the United States Government announced a partial revision of the sanctions policy it has been using as a foreign policy tool. It authorized the purchase of medicines and food by countries subject to sanctions, with the exception of Cuba, the only country in the world against which an embargo on medicines and food is imposed.

29. The Geneva Conventions prohibit measures which deny a country's population access to these items. Taking into account the ranking of the United States in the production and distribution of medicines and food at the global level, the impact of such measures on the health and nutrition situation in Cuba is even more serious.

30. The international community cannot remain impassive before such shameless conduct, which violates the most elementary principles of relations between sovereign States. No matter how powerful a country is, it cannot, on the eve of a new millennium, act with impunity to stifle a small country, deny an entire nation access to its most basic means of subsistence and attempt to induce others to become accessories to such a crime, turning back the clock to the age of barbarism.

31. Together with censure, it is time for the international community to take action to preserve the sovereignty and self-determination of all States; to protest against arbitrariness, extraterritoriality and the systematic violation of international law; and to defend the interests and dignity of peoples, with a view to ensuring respect for all States, regardless of their size, level of economic development or

political and economic system as freely determined by their people.

32. The Republic of Cuba is confident that the norms and principles of international law governing relations between sovereign States, enshrined in the Charter of the United Nations, will prevail and that the efforts and prestige of the General Assembly can make a significant contribution to this end. Accordingly, Cuba is once again putting forward its arguments against this arbitrary and illegal policy of coercion pursued by another Member State. It also hopes to continue to rely on the support of the international community in order to bring an end to the unjust and criminal economic, commercial and financial embargo imposed by the United States of America against Cuba.

Cyprus

[Original: English]
[4 May 1999]

Cyprus does not favour any attempt to enforce laws in its territory that are promulgated by other States. It is therefore opposed to the adoption of any measures that have extraterritorial application on its territory.

Czech Republic

[Original: English]
[27 July 1999]

1. The Czech Republic applies no laws or administrative measures aimed at restriction of its mutual economic relations with Cuba.

2. The Czech Republic, in line with the provisions of resolution 53/4, does not consider political, economic or other forms of containment and isolation to be an efficient tool for substantially improving the situation in Cuba.

Democratic People's Republic of Korea

[Original: English]
[12 May 1999]

1. The Government of the Democratic People's Republic of Korea has been consistently opposed to all forms of economic, commercial and financial sanctions and embargoes which run counter to the United Nations Charter and infringe upon the sovereign rights of States.

2. The embargo imposed by the United States against Cuba for more than 30 years has tremendously obstructed the economic development in Cuba and caused enormous impediments to the enjoyment of economic, social and cultural rights, including the right to development of the Cuban people.

3. The embargo, which is a wanton violation of the rights of Cuban people to choose their own political and economic systems, should be lifted at an early date in the interests of both Cuban people and the international community.

4. The Government of the Democratic People's Republic of Korea supported General Assembly resolution 52/10, and is now developing trade relations with Cuba on the basis of equality and mutual benefits.

Dominican Republic

[Original: Spanish]
[26 July 1999]

1. The Dominican Republic confirms its support for the principles set forth in General Assembly resolution 53/4, entitled "Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba", adopted by the General Assembly on 14 October 1998.

2. Our Government has not applied any measures related to those referred to in the preamble to resolution 53/4.

Ecuador

[Original: Spanish]
[2 June 1999]

1. Ecuador has stated on previous occasions that it has not adopted, nor will it adopt in future, any laws that run counter to freedom of international trade or violate the principle of non-interference in the internal and international policies of States, which is set forth in the Political Constitution of Ecuador and, accordingly, is reflected in each and every legal, political and economic action taken by Ecuador both domestically and internationally. Consequently, Ecuador does not apply any type of sanctions against Cuba and maintains normal diplomatic and cultural relations with that country. Accordingly, Ecuador has supported the communiqués issued by the European Union, the Rio Group and the Movement of Non-Aligned Countries relating to the question and, on the basis of the same considerations, has taken a very clear position within the Organization of American States on the Helms-Burton Act.

2. With regard to the draft resolutions submitted to the General Assembly that seek to condemn the Government of Cuba for its human rights policy, Ecuador believes that

coercion is not an appropriate way to solve this problem, which must be considered in a global context and, for this reason, should be dealt with in a universal manner.

European Union

[Original: English]
[18 June 1999]

1. The European Union believes that United States trade policy towards Cuba is principally a matter for those two Governments. But the European Union and its Member States have made clear their opposition to the extraterritorial extension of the United States embargo, such as that contained in the Cuban Democracy Act of 1992 and the Helms-Burton Act of 1996.

2. In November 1996, the Council of Ministers of the European Union adopted a regulation and a joint action to protect the interests of natural or legal persons resident in the European Union against the extraterritorial effects of the Helms-Burton legislation which prohibit compliance with that legislation. On 18 May 1998, at the European Union/United States summit in London, a package was agreed covering waivers to titles III and IV of the Helms-Burton Act; a commitment by the United States Administration to resist future extraterritorial legislation of that kind; and an understanding with respect to disciplines for the strengthening of investment protection.

Ghana

[Original: English]
[6 July 1999]

1. The Government of Ghana reiterates its concern over the continued non-compliance with General Assembly resolutions 47/19, 48/16, 49/9, 50/17, 52/10 and 53/4, in which the Assembly calls on the United States Government to end its commercial and financial embargo against Cuba.

2. The Government of Ghana firmly believes that the United States economic blockade against Cuba and the Helms-Burton and D'Amato legislation are a breach of international law and a violation of the principles of the United Nations Charter. Ghana views the extraterritorial element of the Helms-Burton and D'Amato legislation as an infringement on the territorial integrity of States and an impediment to international navigation and free trade.

3. The Government of Ghana continues to view with great concern the adverse effects of the economic blockade, which have aggravated the plight of Cubans, especially vulnerable groups, such as children, women and the elderly, and hereby reiterates its continued opposition to the embargo.

Guatemala

[Original: Spanish]
[29 June 1999]

Guatemala re-established its diplomatic and trade relations with Cuba in February 1998. In addition, Guatemala's foreign trade policy makes no provision for such sanctions against any State.

Guyana

[Original: English]
[19 July 1999]

The Republic of Guyana has not promulgated or applied any laws or regulations the extraterritorial effects of which affect the sovereignty of other States. It is thus fully in observance of resolution 53/4 and is committed to continuing support.

Haiti

[Original: French]
[19 July 1999]

The Republic of Haiti has refrained from promulgating and applying any laws and regulations the extraterritorial effects of which affect the sovereignty of other States.

Iceland

[Original: English]
[7 April 1999]

Iceland has the honour to state that there have never been any trade restrictions imposed by Icelandic authorities on trade with Cuba.

India

[Original: English]
[19 July 1999]

1. India has not promulgated or applied any laws of the type referred to in the preamble of the above-mentioned resolution and, as such, the necessity of repealing or invalidating any such laws or measures would not arise.

2. India has consistently opposed any unilateral measures by countries which impinge on the sovereignty of another country. This includes any attempt to extend the application of a country's laws extraterritorially to other sovereign nations.

3. India recalls the communiqué adopted by the Ministerial Meeting of the Twelfth Summit of Non-Aligned Countries, held at Durban from 29 August to 3 September 1998 on this subject, and urges the international community to adopt all necessary measures to protect the sovereign rights of all countries.

Indonesia

[Original: English]
[2 July 1999]

1. As stipulated in its 1945 constitution, Indonesia believes that independence is the right of every nation, and colonialism must be abolished in this world because it is not in conformity with humanity and justice. In this context, Indonesia has consistently maintained a policy of strict compliance with the purpose and principles of sovereign equality of States, non-intervention and non-interference in internal affairs, as well as freedom of trade and international navigation. Indonesia, therefore, has actively participated in the achievement and maintenance of a world order based on freedom, lasting peace and social justice.

2. In line with this policy, Indonesia is strongly against the promulgation and application of any laws and regulations that have extraterritorial effects or that affect the sovereignty of other States and the legitimate interests of entities or persons under their jurisdiction, which is a violation of the universally accepted principles of international law, including the basic principles of the World Trade Organization, which stresses the need for non-discriminatory actions in trade relations.

3. In this connection, Indonesia wishes to state that it does not apply or promulgate such laws as referred to in General Assembly resolutions 47/19, 48/16, 49/9, 50/10, 51/17, 52/10 and 53/4.

Iran (Islamic Republic of)

[Original: English]
[16 June 1999]

1. The economic, commercial and financial embargo imposed by the United States of America against Cuba contravenes all laws and principles governing international relations, the provisions of the United Nations Charter, and the laws governing international trade and related conventions.

2. The Islamic Republic of Iran believes that while the international community is directing its efforts towards resolving tensions and the further promotion and expansion of commercial relations at global level, the economic, commercial and financial embargo imposed by the United States of America against Cuba has caused the Cuban people serious suffering and also created difficulties in global commercial and financial relations.

3. The Islamic Republic of Iran is of the view that since the ultimate objective of these measures is to undermine international peace and security and create political and economic instability in other countries, they should be strongly condemned by the international community and all necessary measures should be taken to repeal and prevent similar actions.

Iraq

[Original: Arabic]
[8 July 1999]

That the United States of America continues to ignore the will of the international community, as embodied in the successive resolutions adopted by the General Assembly with a view to lifting the economic, commercial and financial embargo imposed on Cuba, is to be regarded as a flagrant violation of the principles and norms of international law and of the Charter of the United Nations. Furthermore, the laws and regulations of an economic and commercial character that are enacted by the United States and applied by it against Cuba constitute patent interference in matters that lie at the very core of the domestic authority of the Government of Cuba, to say nothing of the adverse consequences of such enactments for the Cuban people.

Iraq, which has voiced its rejection of measures such as those taken by the United States against Cuba, has neither promulgated nor applied any laws or measures of the kind to which reference is made in paragraph 2 of General Assembly resolution 53/4 of 14 October 1998. Cognizance should be taken of the fact that the people of Iraq are also the victim of coercive measures that have been maintained against it for nine years and that have taken the form of an embargo that has included all basic civilian needs, including food and medicine, and that it has been prevented from making use of its own resources to secure its humanitarian requirements.

Failure to implement the resolution in question has inflicted major damage on other States, including Iraq, inasmuch as the extraterritorial enactments of the United States have undermined the international trading system and bilateral and multilateral treaties on the freedom of trade, navigation and investment.

Jamaica

[Original: English]
[15 July 1999]

1. Jamaica's foreign policy is based on the principle of the sovereign equality of States, non-intervention and the peaceful coexistence of States. Jamaica attaches great importance to the observance of the principles enshrined in the Charter of the United Nations.

2. In keeping with its policy, Jamaica maintains no law, legislation or measure which would affect the sovereignty of any State, the legitimate interests of its nationals or hinder the freedom of trade and navigation.

3. Jamaica is strongly opposed to the extraterritorial application of national legislation which would, in effect undermine the principle of the sovereign equality of States.

4. Jamaica has advocated an end to the economic, commercial and financial embargo against Cuba. We remain committed to strengthening our relations with Cuba, a member of the Caribbean family and our nearest neighbour.

5. Jamaica remains convinced that constructive engagement is the only viable option for the elimination of tension and ensuring peace and stability in the Caribbean.

Japan

[Original: English]
[14 July 1999]

1. The Government of Japan has not promulgated or applied laws or measures of the kind that are referred to in paragraph 2 of resolution 53/4.

2. The Government of Japan believes that the economic policy of the United States towards Cuba should be considered primarily as a bilateral issue. However, Japan shares the concern, arising from the Helms-Burton Act of 1996 and the Cuban Democracy Act of 1992, regarding the problem of extraterritorial application of jurisdiction, which is likely to run counter to international law.

3. The Government of Japan has been closely following the situation in relation to the above-mentioned legislation and the surrounding circumstances, and its concern remains unchanged. Having considered the matter with the utmost care, Japan voted in favour of resolution 53/4.

Lao People's Democratic Republic

[Original: English]
[9 April 1999]

1. The Government of the Lao People's Democratic Republic expresses its deep concern over the fact that the economic, commercial and financial embargo imposed by the United States of America over the past 30 years against Cuba is still in force. Such an embargo, with its extraterritorial implications, runs counter to the current international trend of peace, cooperation and development. As far as it is concerned, the Lao People's Democratic Republic, mindful of its obligations deriving from the Charter of the United Nations and international laws, has neither promulgated nor applied any laws and measures of the kind referred to in the preamble of the above-mentioned resolution.

2. The Lao People's Democratic Republic is of the view that these laws and measures violate the sovereignty of other States, freedom of trade and navigation, and the universally accepted principles of international law.

Liechtenstein

[Original: English]
[29 April 1999]

The Principality of Liechtenstein has not promulgated or applied any laws or measures of the kind referred to in the preamble to resolution 53/4. The Government of Liechtenstein is furthermore of the view that legislation whose implementation entails measures or regulations having extraterritorial effects is inconsistent with generally recognized principles of international law.

Libyan Arab Jamahiriya

[Original: Arabic]
[3 June 1999]

1. In keeping with its endorsement of General Assembly resolution 53/4, the Libyan Arab Jamahiriya opposes the economic, commercial and financial embargo imposed by the United States of America against Cuba on the grounds that such an embargo is in violation of the Charter of the United Nations and of those of its principles that require

Members of the Organization to resolve their disputes and differences by peaceful means.

2. In conformity with the purposes and principles of the United Nations and out of respect for the norms of international law, the Libyan Arab Jamahiriya has neither promulgated nor applied any laws of the kind referred to in the relevant paragraph of General Assembly resolution 53/4.

3. For more than a decade and a half, the Libyan Arab Jamahiriya has been enduring measures imposed upon it by the United States of America that are similar to those being maintained against Cuba. They have included the freezing of Libyan assets held in American banks and the imposition of restrictions on the transfer of technology to Libya and the debarment of Libyan students from pursuing higher studies in this area at American universities. The United States Government proceeded to strengthen these measures by means of the D'Amato Act (H.R.3107), enacted on 19 June 1996, which imposes sanctions on any person who has made an investment of $40 million or more "that directly and significantly contributed to the enhancement of Libya's ability to develop its petroleum resources". The United States Government still persists in enforcing this Act despite international rejection of such measures, as confirmed by the Twelfth Conference of Heads of State or Government of the Movement of Non-Aligned Countries, held in Durban, South Africa. In paragraph 173 of the final document of the Conference (A/53/667-S/1998/1071, annex I), the Heads of State or Government condemn the continued unilateral application by certain major Powers of coercive economic and other measures. Similarly, in its decision CM/Dec.416 (LXVIII) (A/53/179, annex I), the Council of Ministers of the Organization of African Unity expresses concern "over the continued unjust economic measures whose effect is felt beyond the region of the country concerned in violation of international law, thus undermining the interests of other countries". At its twenty-fifth session, the Islamic Conference of Foreign Ministers also "rejected any arbitrary or unilateral measures, whether political or legal, applied by one country against another one" and "urged all States to consider this law, which is against the international law and norms, as null and void" (A/53/95-S/1998/311, para. 69).

4. Since it considers that the imposition of coercive measures is incompatible with the purposes of the United Nations and violates the principles of international law, the Libyan Arab Jamahiriya reaffirms the provisions of paragraphs 2 and 3 of resolution 53/4 and calls upon the States concerned to desist from enforcing the laws and other coercive measures imposed on Cuba, or on any other country, and to take the necessary steps to repeal or invalidate them.

Mexico

[Original: Spanish]
[15 July 1999]

1. Mexico bases its foreign policy on the principles governing co-existence among nations which have been laid down in the Charter of the United Nations and article 76, paragraph II, of the Political Constitution of the United Mexican States. Among these principles, the peaceful settlement of disputes, the non-use of force in international relations, the legal equality of States and the right of peoples to self-determination and independence figure prominently.

2. The Government of Mexico reiterates that it is for the people of Cuba, as for all other peoples, to determine in a free, sovereign and independent manner their own form of political, economic and social organization.

3. In this regard, Mexico has supported all the resolutions adopted by the General Assembly on the necessity of ending the regime of political and economic isolation imposed against Cuba because it considers that the use of economic measures as instruments for exerting pressure is contrary to the principles of the Charter of the United Nations and international law.

4. In full exercise of its right to establish trade links with other countries without being subordinated to the will of third States, Mexico has maintained a non-discriminatory trade policy towards Cuba. Likewise, Mexico has reaffirmed in various international forums its firm rejection of the promulgation and unilateral application of laws which have extraterritorial effects and are designed to impede free trade between nations.

5. In view of the promulgation of the so-called Helms-Burton Act, the Government of Mexico has stated that its scope is unacceptable under international law since it constitutes a violation of the purposes and principles of the Charter of the United Nations and is contrary to the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, contained in General Assembly resolution 2625 (XXV), and also runs counter to the provisions of the Final Act of the World Trade Organization (WTO). It should also be recalled that the Inter-American Juridical Committee, in compliance with resolution GA/doc.3375/9 of the General Assembly of the Organization of American States, entitled "Free Trade and Investment in the Hemisphere", unanimously concluded that the Helms-Burton Act was not in conformity with international law.

6. On 19 November 1996, the Mexican Congress unanimously adopted the Act on Protection of Trade and Investment against Foreign Laws Which Violate International Law, better known as the "Antidote Act", which entered into force on 24 October 1996. The Act:

(a) Prohibits national courts from recognizing and executing foreign judicial decisions and orders which are directed against enterprises established or situated in Mexico and based on foreign laws that have extraterritorial effects and are contrary to international law;

(b) Prohibits enterprises established or situated in Mexico from acting or neglecting to act in a manner which might impair Mexico's trade or investments on the basis of such laws;

(c) Provides for the right to take legal action before federal courts on behalf of individuals or legal entities situated or established in Mexico in order to sue for payment for damages or loss resulting from a judicial or administrative procedure carried out by foreign courts or authorities in application of such laws;

(d) Empowers national courts to recognize and execute, where appropriate, decisions and judgements handed down in other countries which require payment for damages and loss by a person who, for his part, has obtained an economic benefit resulting from a favourable decision or judgement handed down on the basis of foreign laws;

(e) Mexico once again calls upon all States to observe the provisions of international law and seek to resolve international conflicts through dialogue, negotiation and tolerance.

Myanmar

[Original: English]
[25 May 1999]

1. The Government of the Union of Myanmar has not promulgated any laws or regulations of the kind referred to in the preamble to resolution 53/4.

2. Myanmar continues to reiterate its consistent policy of strict compliance with the purposes and principles enshrined in the Charter of the United Nations, and of scrupulous respect, among others, for the principles of the sovereign equality of States, non-intervention and non-interference in internal affairs, and freedom of trade and international navigation.

3. Myanmar is furthermore of the view that promulgation and application by Member States of laws and regulations the extraterritorial effects of which affect the sovereignty of other States and the legitimate interest of entities or persons under their jurisdiction, and freedom of trade and of navigation, violate the universally adopted principles of international law.

Namibia

[Original: English]
[19 July 1999]

1. Namibia has no statute on its records aimed at enforcing, strengthening or extending the economic, commercial and financial embargo against Cuba. Similarly, Namibia is also not applying any law or measure of that nature.

2. The Government of the Republic of Namibia believes in the sovereignty of each Nation-State, and upholds the principles of non-interference in the internal affairs of other States. The Government of the Republic of Namibia, therefore, condemns the Helms-Burton Law, which has wide extraterritorial implications, with direct violation of State sovereignty, and constitutes a serious breach of the principles of the United Nations Charter and international law as well as a violation of the rules of the international trade system.

3. The continued imposition of this blockade has brought immense suffering to the Cuban people, and Namibia will actively support the lifting of the United States embargo against Cuba.

Norway

[Original: English]
[4 June 1999]

Norway has not enacted any economic embargo against Cuba or adopted other measures contradictory to resolution 53/4.

Panama

[Original: Spanish]
[14 July 1999]

1. In various international forums, Panama has expressed its opposition to the growing tendency to seek to apply unilaterally with extraterritorial effect national laws and measures that affect other States in the field of trade and international relations, since they are contrary to international law, violate the principles of the legal equality

of States, respect for and the dignity of national sovereignty, and non-intervention, and are detrimental to their harmonious coexistence.

2. The Panamanian Government, within the framework of the Permanent Mechanism for Consultation and Concerted Political Action (Rio Group), approved the resolutions issued on 8 March and 14 October 1996, which emphatically reject the Helms-Burton Act.

3. It should be noted that, while the Republic of Panama is opposed to the economic embargo which the United States of America has imposed on Cuba, nevertheless, it holds the view that the international community should undertake efforts with the Cuban Government for the promotion of peaceful reforms in Cuba guaranteeing the establishment of a multi-party and participatory democracy in Cuban society through the free exercise of the vote.

4. The consolidation and development of democracy require, to an increasing and significant extent, positive international conditions not only with regard to the strengthening of an ethic based on cooperation and solidarity in international relations ensuring that the development efforts of countries are not thwarted by unfair economic or political factors or a lack of resources, but also the belief that democracy is the best system for achieving development and prosperity and requires at both the international and the domestic levels sound institutions and time-honoured methods based on relations built on trust.

5. This trust must be adequately supported by a growing interest in new institutions that facilitate cooperation on political as well as economic issues in order to strengthen the bonds of mutual cooperation among countries.

6. One of the central elements of democratic affirmation and governance in the region lies in this special and sensitive area. We believe that, after the Pope's visit to Cuba, the international community is increasingly confident that changes in that country's domestic policy are near at hand.

7. In this regard, in reviewing actions or measures taken by Panama in connection with the embargo, we might note that the Republic of Panama and the Republic of Cuba established diplomatic relations on 17 April 1904, and that under executive decision No. 464 of 14 December 1961, the Panamanian Government declared that diplomatic relations between the Government of Panama and the Government of the Republic of Cuba were severed. Subsequently, on 22 August 1974, a joint statement was issued by the Governments of Panama and the Republic of Cuba, announcing the decision by the two countries to re-establish those relations, which have been maintained to date at the ambassadorial level. Furthermore, with regard to votes on this specific issue, it might be pointed out that the General Assembly adopted resolution 51/17, entitled "Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba", as well as resolutions 52/10 and 53/4.

8. The delegation of Panama voted in favour of the two draft resolutions referred to.

9. Furthermore, according to information provided by the General Office for International Organizations and Conferences, the Government of the Republic of Panama has not taken legislative or other measures to impose economic sanctions against Cuba that would impair freedom of trade and navigation, in accordance with its obligations under the Charter of the United Nations and international law, which establish, *inter alia*, freedom of trade and navigation.

10. The foregoing indicates and reaffirms the position of Panama in opposition to the economic embargo against Cuba.

11. Therefore, with regard to the invitation from the Secretary-General, we considered it appropriate, as part of the political consistency that Panama has demonstrated through its vote on the various General Assembly resolutions on the item to vote in favour of the resolution under consideration.

12. It should be pointed out that the Government of Panama has taken steps to conclude some bilateral agreements (investment, aviation, a solution for the granting of visas to Cuban diplomats), as part of a policy for creating suitable conditions to promote political changes through cooperation with Cuba.

Peru

[Original: Spanish]
[8 July 1999]

1. No law or measure whatsoever of the kind referred to in General Assembly resolution 53/4 exists or is applied in Peru.

2. The position of the Government of Peru on this matter is based on the joint measures adopted at meetings of the Permanent Mechanism for Consultation and Concerted Political Action (Rio Group), which took place in Panama in September 1998 and the Ibero-American Summit held in Oporto, Portugal, in October 1998, as well as the recent Rio de Janeiro Declaration, the final document of the European Union-Latin America meeting held on 28 and 29 June 1999 in Brazil.

3. The Government of Peru does not agree with unilateral and extraterritorial measures which seek to affect the internal political process of a specific State. Peru considers that due respect for national constitutional order is essential in international relations.

4. Lastly, the Government of Peru wishes to reaffirm its strong and unswerving commitment to the common objectives in the area of representative democracy, the validity of human rights and economic freedom.

Philippines

[Original: English]
[14 July 1999]

The Philippines has never applied laws or measures referred to in paragraphs (2) and (3) of the resolution.

Portugal

[Original: English]
[29 June 1999]

Portugal is concluding the preparation of legislation, to be approved by its Parliament, which seeks to apply internally EEC regulation 2271/96 regarding measures against the extraterritorial effects of legislation adopted by third countries. This law is meant to address, *inter alia*, situations arising from the Helms-Burton provisions.

Qatar

[Original: English]
[14 June 1999]

1. The Government of the State of Qatar has neither promulgated nor applied any law or legislation whose extraterritorial effects affect the sovereignty of other States and the legitimate interests of entities or persons under their jurisdiction, or the freedom of trade or international navigation, nor has it taken any measures contrary to resolution 53/4.

2. The Government of the State of Qatar has pursued a policy of strict compliance with the purposes and principles enshrined in the Charter of the United Nations, in particular the principles of sovereign equality of States and non-interference in their internal affairs.

3. The Government of the State of Qatar rejects the use of economic measures as a means of achieving political aims, and upholds in its relations with other countries the fundamental principles of the Charter of the United Nations and the norm of international law and the freedom of trade and navigation.

Russian Federation

[Original: Russian]
[11 June 1999]

Having expressed its support since 1994 for the General Assembly resolutions on the necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba, the Russian Federation shares the view of the overwhelming majority of the States Members of the United Nations advocating the lifting of the embargo imposed by the United States against Cuba as a unilateral measure taken in violation of provisions of the Charter of the United Nations and the basic norms of international law and justice.

The continuing trade and economic blockade of Cuba by the United States is a relic of the "cold war" and should be halted.

We are opposed to the steps by the United States aimed at tightening the embargo, expanding the extraterritorial, and, therefore, illegal, effect of the Cuban Liberty and Democratic Solidarity Act, of 12 March 1996. This law as a whole is discriminatory and contrary to the norms of international law and the principles of free trade.

The attempts being made by the United States to exert pressure on third countries and certain international organizations in order to curtail their cooperation with Cuba, which is clearly at variance with the purposes and principles of the Charter of the United Nations, have caused serious concern on the part of the Russian Federation.

At the same time, we consider the measures declared by the United States Administration on 5 January 1999 aimed at a partial liberalization of deliveries of medicine and foodstuffs to be steps in the right direction, although they are also of a limited and selective nature.

Our approach to this problem is that the lifting of the United States economic, commercial and financial embargo against Cuba, in particular, and the normalization of United States-Cuban relations in general would help to improve the situation in the region and to integrate Cuba into world economic relations, and thereby promote its advancement along the path of reform and positive changes in its economic and social life.

With regard to the Russian Federation specifically, firmly guided by the principles of the sovereign equality of

States, non-intervention and non-interference in their internal affairs and freedom of international trade and navigation referred to in General Assembly resolution 53/4 on the necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba, our country reaffirms its intention to continue to develop normal trade and economic relations with Cuba that are based on common interest and mutual advantage and are conducted in strict accordance with obligations under the Charter of the United Nations and the generally recognized principles and norms of international law, without any discrimination and without violating the legitimate rights and interests of the parties.

South Africa

[Original: English]
[6 August 1999]

1. In conformity with the purposes and principles of the Charter of the United Nations, the Republic of South Africa reiterates its opposition to the unilateral punitive economic, commercial and financial embargo imposed by the United States of America against Cuba.

2. In this regard and consistent with the resolution 53/4, the Government of South Africa maintains political, economic, trade, financial and cultural relations with the Republic of Cuba pursuant with action required under this resolution.

Sudan

[Original: English]
[13 July 1999]

1. The Government of the Sudan pursues a policy that respects and takes for its model the purposes and principle of the sovereign equality of States and non-interference in the internal affairs of others. Consistent with its principled stand, the Sudan, which opposes the imposition of sanctions on developing countries, voted in favour of General Assembly resolution 52/10, as did the majority of States. The Government of the Sudan reaffirms that it does not promulgate or apply any laws or measures that could, by being applied outside its own national borders, affect the sovereignty of any State.

2. On the basis of the foregoing, the Sudan opposes the economic and commercial embargo imposed by the United States against Cuba, which has caused great damage to the Cuban people and violated its legitimate rights and interests, being a flagrant violation of international law and the Charter of the United Nations and showing disregard for their lofty and noble principles.

3. The Sudan itself is suffering from the unilateral economic sanctions imposed on it by the United States pursuant to the executive order signed by President Clinton in early November 1997. It was unfortunate that the United States, in order to exert pressure on the Government of the Sudan, imposed these sanctions on the basis of ungrounded suspicions and accusations that have remained unsubstantiated for more than seven years. The sanctions are in violation of the Government's legitimate right to make social and development choices in the light of its national particularities.

Suriname

[Original: English]
[3 August 1999]

The Government of the Republic of Suriname has not promulgated and applied laws and measures of the kind referred to in the preamble to resolution 53/4.

Syrian Arab Republic

[Original: Arabic]
[28 April 1999]

Proceeding from its position of principle with respect to the item entitled "Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba", the Syrian Arab Republic voted in favour of General Assembly resolution 53/4, affirming as it does the need for compliance with the purposes and principles of the Charter of the United Nations, the sovereign equality of States and non-intervention in their internal affairs and freedom of international trade and navigation. The resolution in question also urges States to take the necessary steps to end as soon as possible the economic, commercial and financial blockade that has been maintained against Cuba for more than three decades. The Syrian Arab Republic would like to recall in this connection paragraph 255 of the final document of the Twelfth Conference of Heads of State or Government of the Movement of Non-Aligned Countries, adopted in Durban, South Africa, on 3 September 1998 (A/53/667-S/1998/1071, annex I), in which the participants:

> "... called upon the Government of the United States of America to put an end to the economic, commercial and financial actions against Cuba, which, in addition to being unilateral and contrary to the United Nations

Charter and international law and to the principle of neighbourliness, cause huge material losses and economic damage to the people of Cuba. They called once again on the United States of America to settle its differences with Cuba through negotiations on the basis of equality and mutual respect and requested strict compliance with resolutions 47/19, 48/16, 49/9, 50/10, 51/17 and 52/10 of the United Nations General Assembly."

Trinidad and Tobago

[Original: English]
[28 July 1999]

Trinidad and Tobago has not adopted any law or measures restricting trade or other economic relations with Cuba.

Turkey

[Original: English]
[23 July 1999]

1. The Republic of Turkey, recalling its reply in the previous report of the Secretary-General (A/53/320), believes that the issue between Cuba and the United States of America, as stated in resolution 53/4, should be resolved expeditiously through dialogue and negotiation.

Uganda

[Original: English]
[28 July 1999]

Uganda has always supported the necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba. The Republic of Uganda wishes to reiterate its support for resolution 50/10, in particular the second, third and fourth preambular paragraphs.

Ukraine

[Original: English]
[4 May 1999]

Ukraine does not have any legislation or regulations whose extraterritorial effects could affect the sovereignty of other States and the legitimate interests of entities or persons under their jurisdiction, or the freedom of trade and international navigation. Equally, the Government of Ukraine does not accept the use of economic measures as a means of achieving political aims, and upholds, in its relation with other countries, the fundamental principles of the Charter of the United Nations, the norms of international law and the freedom of trade and navigation.

United Republic of Tanzania

[Original: English]
[12 July 1999]

The Government of the United Republic of Tanzania fully endorses the above-mentioned resolution, and subsequently does not have nor applies any laws and measures which may in any manner or form constitute or contribute to an imposition of economic, commercial or financial embargo against Cuba.

Uruguay

[Original: Spanish]
[24 June 1999]

In view of the fact that Uruguay has traditionally maintained a foreign policy which encourages free trade without restrictions of any kind and that it does not recognize in its legislation the extraterritorial application of domestic legislation, the Government of the Eastern Republic of Uruguay has not implemented any measures or laws of the type referred to in paragraphs 2 and 3 of General Assembly resolution 53/4.

Venezuela

[Original: Spanish]
[14 July 1999]

1. Venezuela has consistently and repeatedly expressed its position rejecting the promulgation and application of laws and regulations with extraterritorial effects which affect the sovereignty of other States and the legitimate interests of entities or persons under their jurisdiction and the freedom of international trade and navigation.

2. In accordance with these views, Venezuela has voted in favour of the resolutions that have been adopted by the General Assembly since 1992 condemning the embargo imposed by the United States of America against Cuba. When General Assembly resolution 53/4 was adopted in October 1998, we stressed that Venezuela's immutable position on this matter had been expressed in various forums and mechanisms for consultation and concerted political

action, such as the presidential meetings of the Rio Group and the Ibero-American Summits of Heads of State and Government, bodies which have considered that the so-called "Helms-Burton Act" "infringes the principles governing international coexistence and is contrary to the spirit of cooperation and friendship which should characterize relations among all the members of the international community".

3. Our country voted in favour of the 1996 resolution AG/RES.1364 (XXVI-0/96) of the General Assembly of the Organization of American States (OAS), the text of which, expressing concern "at the promulgation and application by member States of laws and regulations, the extraterritorial effects of which affect the sovereignty of other States", directed the Inter-American Juridical Committee to submit its opinion on the validity of the Helms-Burton legislation under international law to the OAS Permanent Council. Subsequently, at the OAS 1997 twenty-seventh General Assembly, Venezuela joined in supporting resolution AG/RES.1447 (XXVII-0/97), in which the member States took note of the opinion of the Inter-American Juridical Committee, which concluded unanimously that the basis and possible application of the Helms-Burton Act "were not in conformity with international law".

4. In any event, as Venezuela has pointed out in the United Nations General Assembly, support for resolutions condemning the economic embargo against Cuba should not "be interpreted as support for any regime in particular, since we consider that the arguments put forward are legitimate for any political situation in the countries against which it is applied ... . Nevertheless, as a democratic and pluralist nation which defends human rights, we wish on this occasion to reiterate that Venezuela is convinced that the changes necessary for promoting democracy and the fundamental freedoms that we all desire can be brought about only through cooperation and dialogue."

5. Venezuela believes that unilateral measures that are extraterritorial and coercive in nature, such as the embargo imposed against Cuba, have a negative effect on the legal regime which defines economic and trade relations between nations and an adverse impact on the efforts that have been carried out in order to achieve economic integration at both the continental and subregional levels.

6. Venezuela's position reflects the almost unanimous rejection by the international community of the promulgation and application of such unilateral and extraterritorial coercive measures, which constitute a violation of the basic principles of international law and the Charter of the United Nations.

Viet Nam

[Original: English]
[4 May 1999]

1. The policies and laws of economic, commercial and financial blockade and embargo of the United States of America imposed on the Republic of Cuba in the last decades violate the fundamental principles of the Charter of the United Nations and international law, and run counter to the common trends of our world today, namely cooperation for development on the basis of equality amongst sovereign States and non-discrimination of political systems.

2. Therefore, the General Assembly of the United Nations has repeatedly adopted numerous resolutions with overwhelming majorities, most recently resolutions 53/4 of 14 October 1998, with 157 votes in favour, requesting the United States of America to eliminate such policies and laws imposed upon the Republic of Cuba. This demonstrates not only the unanimous agreement of the international community on the urgency for the abolition of these obsolete policies, which have been imposed on the Cuban people for so long, but also the common desire for the development of healthy international political relations, the strengthening of international cooperation for the development of all nations, an irreversible trend of the twenty-first century. This also rejects the application of extraterritorial laws in general.

3. The differences between the United States of America and the Republic of Cuba should be settled through dialogue and negotiation on the basis of mutual respect, respect for the independence and sovereignty and non-interference into the internal affairs of States. In line with this, Viet Nam welcomes every effort of the parties concerned to this effect.

4. In his report, the Secretary-General should introduce concrete initiatives and measures so that the adopted resolutions of the General Assembly will be implemented as soon as possible with a view to eliminating the unilateral embargo policies imposed upon the Republic of Cuba, and thus strengthening the values of the highly moral resolutions and recommendations of the General Assembly.

5. Once again, Viet Nam reaffirms its support, cooperation and solidarity with the Cuban people, and together with other peace, freedom and justice-loving nations in the world, Viet Nam will do its utmost to assist the Cuban people to overcome the impact of the above-mentioned immoral policies of blockade and embargo that violate the norms of international laws.

Zimbabwe

[Original: English]
[13 August 1999]

The Republic of Zimbabwe has never imposed any type of economic, commercial or financial embargo against Cuba.

III. Replies received from organs and agencies of the United Nations system

Economic Commission for Latin America and the Caribbean

[Original: Spanish]
[13 July 1999]

1. As indicated in the previous report of the Secretary-General on this question, in 1996 and 1997, the Economic Commission for Latin America and the Caribbean (ECLAC) carried out a research project, the main result of which was a book entitled *La economía cubana: Reformas estructurales y desempeño económico en los noventa*, published by the *Fondo de Cultura Económica*. The analysis presented in the book reflects the impact on the Cuban economic situation of the economic, commercial and financial embargo imposed by the United States of America.

2. Owing to the growing international demand for the book, it is necessary to print a second edition. The new circumstances and trends that have come about during the past two years in both the Cuban economy as well as the international situation, however, have made it necessary to update its contents. The Director of the ECLAC Subregional Office in Mexico is going to sign a cooperation agreement with the Swedish Agency for Development Cooperation, which is designed precisely to meet the need to update the book.

3. The updating project, which is planned to last seven months, will also consider incorporating new areas, which could be expected to include the establishment of free zones and industrial parks, and the integration of Cuba into the Caribbean basin. In view of the foregoing, we trust that in the near future we shall have more background information on the question dealt with in the resolution, which we shall provide to the Department of Political Affairs.

Office of the Resident Coordinator of the United Nations system's operational activities for development

[Original: English]
[22 June 1999]

1. The economic, commercial and financial embargo, including related legislation (e.g. the extraterritorial so-called Helms Burton Act), imposed by the United States of America against Cuba has continued to severely affect the socio-economic situation of the country throughout 1998 despite some easing by the United States Government, which allowed the re-establishment of direct flights, the transfer of limited money remittances by United States residents to their families in Cuba and the possibility for Cuban commercial airlines to overfly United States territory.

2. The United States embargo and the related legislation constitute in different ways a major obstacle for the recovery process of the Cuban economy and consequently impede the normal functioning of the social services, affecting the living conditions of the Cuban population. The fact that the United States embargo prevents a possible return of Cuba to the Bretton Woods institutions as well as access to concessional lending from any other international finance institution constitute a major handicap for the further development of the economy in general and for the needed rehabilitation of its infrastructure in particular. The exclusion from concessional lending not only prevents social related investments and deteriorates the environment for private investments in general, it also prevents Cuba from having access to global settlement mechanisms for a possible rescheduling and/or restructuring of its external debt. Moreover, the United States embargo affects the possibilities to receive loans and commercial credits on regular terms and hampers the development of capital investment flows because of the higher costs and risks. Apart from the above, the United States embargo also affects the Cuban economy in terms of direct and/or indirect costs on external trade, maritime transport, provision of services and effective access to material and/or equipment of critical importance for the country. Altogether, the United States embargo and its supporting machinery continue to form a significant obstacle for the recovery of the Cuban economy and the satisfaction of basic social needs. Moreover, it prevents any attempt to normalize relations between the respective countries and obstructs the proper development of Cuba.

3. To comply with their respective mandates while addressing the overall situation of Cuba, the programmes, funds and specialized agencies represented in the country are currently working along the following fundamental lines:

(a) Supporting the consolidation and further improvement of social services while alleviating basic needs bottlenecks;

(b) Supporting the economic recovery process through the promotion of a conducive environment and the development of new managerial systems;

(c) Promoting cooperation between Cuba and the rest of the world in the respective areas of mandate of each of the United Nations organizations.

Achievements in these areas include the design and approval of new programmes addressing the most critical issues. Progress in the first area is particularly noticeable in the health and sanitation sector, in the food security sector and in the efforts for human development at the local level. In the second area, a large-scale initiative was approved in early 1998 to support a series of measures and institutional changes for supporting the recovery of the Cuban economy. In the third area, a large range of activities within the respective mandates of the United Nations organizations were undertaken to promote contacts and cooperation with the outside world.

4. Although strategically oriented and catalytic, the support provided by United Nations organizations cannot compensate — by nature or volume — the exclusion from concessional lending and the shortage of capital flows that are required to redress the Cuban economy and further develop the country. Hence, the United States embargo against Cuba remains a major issue for the development of the country, requiring therefore continued attention by the international community.

International Labour Organization

[Original: English]
[25 May 1999]

Cuba is treated in the same way as any other International Labour Organization (ILO) member State. Cuba participates actively in the International Labour Conference and other pertinent ILO activities. In correspondence from 1995 between the ILO Regional Office for Latin America and the Caribbean and the Minister of Labour and Social Security of Cuba, the ILO stated its view that the United Nations was the appropriate forum to address the question of the economic, commercial and financial embargo against Cuba.

United Nations Children's Fund

[Original: English]
[17 August 1999]

1. The situation of children in Cuba continues to be adversely affected by a number of internal as well as external factors, including the embargo. As with the majority of such situations, it is very difficult to separate the combined negative effects of those factors.

2. In spite of the difficulties, Cuba enjoys a high level of health and education indicators among countries in the Latin American and Caribbean region. The infant mortality rate in 1998 was estimated at 7 per 1,000 live births, which is comparable to the rate in developed countries. Nevertheless, the country faces increasing difficulties to preserve the level of expenditures in the social sector, historically very high.

3. According to the Government, in 1997 the increase in transportation costs and lack of free access to cheaper foodstuffs attributed to the embargo were estimated at 21 and 48 million dollars, respectively. In 1998 and 1999, the effects of the persistent drought in the eastern provinces and of hurricane Georges on the agricultural sector added to the country's difficulties.

4. The Cuban public health-care system has been stressed by a number of factors, the greatest being costs, which have increased over the last eight years by 1.2 billion dollars. The Government reports that the embargo has made it difficult to maintain infrastructure, including medical equipment, and to acquire vaccines, medicines and chemicals not produced in the country. This has had an impact on both preventive and curative aspects of health care.

5. The well-being and health of Cuban women of all ages has been adversely affected by restrictions on the availability of household goods, foodstuffs, medical products and fuel. These restrictions have also had a negative impact on personal hygiene. Because the manufacture of sanitary napkins requires imported materials, only 36 per cent of the domestic demand can be satisfied. Women and adolescents resort to alternative methods and materials, thereby increasing their risk of infections and placing subsequent burden on the health-care system as a result of gynaecological ailments. Routine screening programmes for detection of breast cancer have been discontinued, and preventive care (such as cytological tests, Papanicolaou and mammographies) has been significantly reduced. Lack of access to safe means of protection in sexual activities also exposes the health of sexually active adolescents and women and exposes them to higher levels of risk of infection with sexually transmitted diseases, including human

immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS).

6. Access to clean water remains a serious health concern for over four million people — two million of them children — living in cities of more than 100,000 inhabitants. About 72 per cent of drinking water has to be treated with chlorine gas, but lack of chemical supplies has led to the closing of 46 per cent of the water treatment facilities. In 1998, only 69 per cent of the sodium hipoclorite and 55.5 per cent of the aluminium sulphate needed to treat drinking water were available nationwide.

United Nations Educational, Scientific and Cultural Organization

[Original: English]
[19 May 1999]

1. The United Nations Educational, Scientific and Cultural Organization (UNESCO) is undertaking a range of sectoral and intersectoral projects aimed at mitigating the impact of the blockade within the organization's fields of competence. The priority action of the Havana Office has been to encourage regional and interregional exchanges within the educational, cultural and scientific communities, with a view both to boosting the Cuban presence abroad and to ensuring the participation of foreign experts in meetings held in Cuba. Sizeable regular budget and extrabudgetary funds only partly reflect the scope of this cooperation, which includes assistance with projects of an intellectual, technical and financial nature:

(a) Technical and financial assistance for the organization of the "Pedagogía 99" Congress at Havana from 1 to 5 February 1999, which brought together 5,000 Cuban, Latin American and European teachers;

(b) With the help of United Kingdom funding, the Cuban Ministry of Education was able to publish textbooks for use in primary and secondary education;

(c) The Ministry of Education also received a contribution from UNESCO's regular budget for the purchase of teaching materials for primary education, special schools and training centres;

(d) By way of support for the dissemination of books, UNESCO's cultural bookshop in Havana markets publications in Spanish, English and French. In this connection, a plan for publishing support is under way with a view to helping disseminate the works of Cuban authors;

(e) Extrabudgetary contribution for the training of Cuban craftworkers. A workshop organized by UNESCO and Italian institutions was held at Faenza, Italy, in June 1998;

(f) With intellectual, technical and financial support from UNESCO, a meeting on the establishment of a network of Latin American and Caribbean cities with historic centres currently under rehabilitation was held at Havana in October 1998. This network includes such cities as Lima, Quito, Buenos Aires, Mexico City, Havana and Trinidad;

(g) In collaboration with the Office of the City Historian, the Regional Office for Culture for Latin America and the Caribbean (ORCALC) sponsored the performance of a popular theatre work intended to raise the awareness of the community regarding the preservation of the heritage of Old Havana;

(h) Financial assistance from UNESCO enabled Cuban physical education and sports education experts to participate in a round table on the theme "Sport for peace", held in El Salvador from 29 January to 10 February 1998, and also in a technical mission to Bolivia;

(i) UNESCO provided intellectual and financial inputs to the Biotecnología 98 Congress held at Havana, which brought together more than 1,400 participants from 40 countries;

(j) As part of inter-agency cooperation, UNESCO contributed to the drafting of the document entitled "Situación de emergencia en la República de Cuba: llamado consolidado de las Naciones Unidas", with the aim of helping the country to cope with the drought and with the impact of hurricane Georges. UNESCO also participated actively in the inter-agency working group for the Joint and Co-sponsored United Nations Programme on HIV/AIDS (UNAIDS) project. In that connection, UNESCO organized a subregional workshop on the theme "Enfoque cultural para la prevención del SIDA" at Havana in March 1999.

United Nations Industrial Development Organization

[Original: English]
[22 June 1999]

1. In 1998, the United Nations Industrial Development Organization (UNIDO) continued to assist the Government of Cuba in restructuring the country's productive sector. In this connection, UNIDO has included Cuba in the first round of its new integrated assistance programme. UNIDO's integrated programme for Cuba aims to assist the Government's efforts in implementing the national programme for entrepreneurial enhancement, as well as the

introduction and promotion of alternative sources of energy and upgrading management capacity in the agro-industrial sector.

2. UNIDO intervention is geared to play a pivotal role in the Government efforts to increase the efficiency and productivity of the Cuban economy.

United Nations International Drug Control Programme

[Original: English]
[27 May 1999]

Cuba is an active supporter of and participant in the Commission on Narcotic Drugs. Over the years, the United Nations International Drug Control Programme (UNDCP) has maintained excellent cooperation with Cuba, including the implementation of projects to strengthen national capacities to counter illicit drug trafficking and abuse.

United Nations Population Fund

[Original: English]
[14 July 1999]

1. The serious economic difficulties faced by Cuba since 1990, as a result of the disruption of trade relations with its former trading partners, have had significant repercussions on the health sector. Despite advances achieved by Cuba in providing free and universal health and education services to its citizens — earning the country a "C" category in terms of the allocation of United Nations Population Fund (UNFPA) resources, the persistent economic crisis continues to place severe constraints on basic social services. The lack of financial resources has led to a shortage of medicines, both imported and domestically produced, as well as equipment and spare parts. Consequently, most health establishments are deteriorating, with adverse effects on their ability to carry out their functions. Epidemiological problems, such as sexually transmitted diseases, including HIV/AIDS, have worsened.

2. In function of present conditions, UNFPA's current programme of assistance (1997-2001) approved in the amount of $4.5 million aims to preserve achievements already attained in the area of reproductive health, family planning and sexual education. It addresses priority reproductive health problems, i.e., reducing the high abortion rate and reducing the increasing rates of sexually transmitted diseases and AIDS, mainly through reinforcement of sex education within the formal school system and through the provision of condoms and other contraceptives to alleviate the acute shortage of this commodity. Special attention is being given to improving the reproductive health conditions of adolescents and youth, with particular emphasis on the provinces of Guantanamo, Granma, Holguin, Las Tunas and Santiago de Cuba.

3. Didactic materials to conduct sexual education in schools have also suffered from the crisis and the embargo. In addition, the domestic production of sanitary napkins — a basic sexual health item for women, is also seriously affected.

4. As regards HIV/AIDS prevention, in joint efforts with UNAIDS and other United Nations agencies, UNFPA provides a limited supply of condoms, and supports information and education campaigns to contain the spread of the disease.

5. Since the United States embargo prevents access by Cuba to United States products and suppliers, commodities linked to sexual and reproductive health assistance and related training materials have to be purchased in Europe or Asia at higher prices and freight charges. This situation contributes to further limiting the nation's purchasing capacity.

6. If the impact of the economic situation is not reversed, it will be difficult to maintain the health and demographic indicators at the level that Cuba has achieved as a result of long-standing policies and investments.